

REMARKS

The non-final Office Action of February 22, 2008, has been carefully reviewed and these remarks are responsive thereto. Claims 1-8, 10-20, and 22-26 are pending. No new material has been added.

Applicant thanks the Examiner for indicating that claims 1-3, 8, 13-15, and 20 are allowable at pages 11-12 of the Office Action.¹ Reconsideration and allowance of the application, including the remaining claims, is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 4-7 and 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0095486 A1 to Bahl ("Bahl") in view of U.S. Patent Application Publication No. 2001/0003443 A1 to Velazquez et al. ("Velazquez"). Applicant respectfully traverses this rejection.

Claim 4 recites, among other features:

“ listening for transmissions by said station; and
updating said entry for said station responsive to every transmission by said station.”

The Examiner in the Office Action at page 3 correctly concedes that Bahl fails to (specifically) disclose the above-noted features as recited in claim 4. The Examiner in the Office Action at page 4 attempts to remedy the deficiencies of Bahl by relying on Velazquez at paragraphs [0058]-[0069] as allegedly disclosing the recited features. Applicant respectfully submits that the cited passages of Velazquez (or any passages of Velazquez for that matter) fail to teach or suggest features related to updating an entry for a station responsive to every transmission by the station.

In Applicant's Amendment dated November 29, 2007, at pages 8-9, Applicant noted the deficiencies of Bahl (as applied in a 35 U.S.C. § 102(b)) rejection of claim 4) with respect to the

¹ The Office Action at page 1 (Disposition of Claims) fails to indicate the allowance of the referenced claims. In the event that the Examiner did not intend to allow the referenced claims, Applicant respectfully requests clarification in the next communication. Applicant presumes that the failure to indicate the allowance of the referenced claims at page 1 of the Office Action was merely a clerical oversight.

above-noted features. In short, an update in Bahl occurs once a threshold time has been exceeded. See Bahl at paragraphs [0013], [0035], and [0045].

Velazquez similarly imposes a time threshold requirement for purposes of updating a beam pattern. See, e.g., Velazquez at:

- paragraph [0057] (*every two seconds*, the GPS location is updated and sent to the base station via the reverse traffic channel), and
- paragraph [0058] (if the mobile unit 30 is employing a directive antenna array 35', *every two seconds* it uses the current heading information and compares its updated position information to the stored location of the current base station to update the beam pattern).

Thus, notwithstanding whether a combination of Bahl and Velazquez is proper, Velazquez fails to cure the deficiencies of Bahl (in fact, as described above, Velazquez is deficient for substantially similar reasons). As such, claim 4 is allowable over the applied references for at least the foregoing reasons.

Dependent claims 5-7, which depend from claim 4, are allowable for at least the same reasons as claim 4.

Independent claim 16 recites features similar to those described above with respect to claim 4. Thus, claim 16 is allowable for at least reasons substantially similar to those discussed above with respect to claim 4.

Dependent claims 17-19, which depend from claim 16, are allowable for at least the same reasons as claim 16.

Claims 10-12 and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0121810 A1 to Goransson et al. ("Goransson") in view of Velazquez. Applicant respectfully traverses this rejection.

Amended claim 10 recites,

"...wherein said decoding steps and said forming step are responsive to *each transmitted packet* received from said mobile station at said access point."

The above-noted features recited in claim 10 are distinguishable over Velazquez for reasons similar to those discussed above with respect to claim 4. As discussed above, Velazquez is not responsive to each packet, but rather, updates a beam pattern once a threshold expires.

Notwithstanding whether a combination of Goransson and Velazquez is proper, Goransson fails to cure the deficiencies of Velazquez described above. As such, claim 10 is allowable for at least the foregoing reasons.

Dependent claim 11, which depends from claim 10, is allowable for at least the same reasons as claim 10.

Amended independent claims 12, 22 and 24 recite features similar to those described above with respect to claim 10, and are allowable for at least reasons substantially similar to those discussed above with respect to claim 10.

Dependent claim 23, which depends from claim 22, is allowable for at least the same reasons as claim 22.

Claims 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,043,272 B2 to Park et al. ("Park") in view of Velazquez. Applicant respectfully traverses this rejection.

Independent claim 25 recites:

"An access point comprising:

... determining the angle of arrival of said packets ..."

Applicant incorporates herein by way of reference the substantive remarks included in the Amendment filed November 29, 2007, at pages 10-11 (which in turn incorporated statements in the Amendment filed March 29, 2007). In short, Park at col. 8, lines 56-59 demonstrates that a terminal calculates a user pilot signal for each time area and feeds a time area number corresponding to the greatest power back to a base station. Thus, in Park, the "determining" is conducted at the terminal. Thus, notwithstanding whether the disclosures in Velazquez at paragraphs [0058]-[0069] may appropriately be analogized to the above-noted features as recited in claim 25, the combination of references is improper. More specifically, and as noted in the Amendment filed November 29, 2007, at page 10, one skilled in the art would not have had an

apparent reason to combine Park and Velazquez in the manner suggested by the Office Action because the duplication of resources (in both an access point and a terminal) would represent an unnecessary waste of computing resources. Furthermore, Applicant refers the Examiner to MPEP § 2143.01 (VI. The Proposed Modification Cannot Change the Principle of Operation of a Reference). Given the basis of operation in Park, wherein the terminal performs the determination, the addition of Velazquez is improper because adding Velazquez would impermissibly modify the principle of operation in Park. Since the proposed combination of applied references is improper, and neither reference taken in the singular discloses all of the features recited in claim 25, claim 25 is allowable for at least the foregoing reasons.

Dependent claim 26, which depends from claim 25, is allowable for at least the same reasons as claim 25.

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,
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